

Remarks

In paragraphs 1-15, Examiner rejected claims 1-31 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,330,605 issued to Christensen in view of U.S. Patent 6,366,947 issued to Kavner. This rejection is respectfully traversed.

Claim 1 recites, "receiving the first request for the web page; and transmitting, to a device from which the first request was received, at least one command to send a second request for the web page, and a first timestamp." Claims 2-13 depend from claim 1 and contain all of its features.

Claim 14 recites, "computer readable program code devices configured to cause a computer to receive the first request for the web page; and computer readable program code devices configured to cause a computer to transmit, to a device from which the first request was received, at least one command to send a second request for the web page, and a first timestamp." Claims 15-26 depend from claim 14 and contain all of its features.

These claimed features receive a first a request for a web page, and transmit to the device that sent the request,

a command to send a second request for that web page and a timestamp.

Kavner transmits a conditional request for the web page itself, not a command to send a subsequent request as
5 claimed. The fact that what is transmitted is a request is evident from the fact that the request is sent to the server and the fact that the server responds with the web page if the condition is met, the condition being that the web page was updated subsequent to the timestamp. (Kavner,
10 col. 4, lines 20-35). Examiner states that the request could be interpreted as a command to send a request. But it could not be interpreted to send a request to the device that sent the command in a manner similar to that claimed because the GET command causes no such request to be sent
15 to that device. Because Kavner does not send a command to send a subsequent request as claimed, claim 1 is patentably distinguishable over Kavner. Examiner has not asserted that Christensen sends any such command and therefore, claims 1 and 14 are patentably distinguishable over Kavner
20 and Christensen, either alone or in combination. Because claims 2-13 depend from claim 1 and claims 15-26 depend from claim 14, claims 1-26 are patentably distinguishable over Kavner and Christensen, either alone or in combination.

As amended, claim 27 recites, "a cookie/applet generator having an input coupled to the user request router output for receiving the signal, the cookie/applet generator for providing, to a device from which the first
5 request was received, a first output coupled to an apparatus output a first indicator of at least one time to send a second request for the web page". Claims 28-31 depend from claim 27 and contain all of its features.

These claimed features provide an indicator of at
10 least one time to send a second request for a web page. Kavner, col 4, lines 44-59 uses a cache to display a web page and simultaneously sends a request for an updated page, but Kavner doesn't send a time as claimed. Because Kavner does not send an indicator of the time to send the
15 request as claimed, Kavner is restricted to sending the request for the updated page simultaneously with the display of the page. Thus, claim 27 is patentably distinguishable over Kavner.

Examiner points to Christensen's use of timers, but
20 Christensen uses the timer, it doesn't provide the value from such timer to a device from which the first request was received, as would be required to anticipate claim 27. Thus, claim 27 is patentably distinguishable over Kavner

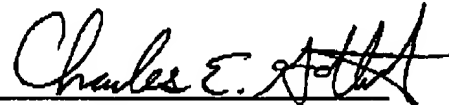
and Christensen. Because claims 28-31 depend from claim 27, claims 27-31 are patentably distinguishable over Kavner and Christensen, either alone or in combination.

Claims 1-31 are patenably distinguishable over the
5 cited references. Favorable action is solicited.

Respectfully submitted,

February 11, 2004

By:



Charles E. Gotlieb

Registration No. 38,164

Innovation Partners

540 University Ave., Suite 300

Palo Alto, CA 94301

(650) 328-0100